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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ANDREA RESNICK, GARY BUNKER, JOHN HALEY, AMY LATHAM, ERIC ROSLANSKY, and KEVIN SIMPSON, on behalf of themselves and others similarly situated, Plaintiffs, v. WALMART.COM USA LLC, WAL-MART STORES, INC and NETFLIX, INC. , Defendants.	Civil Action No. CV 09 0002 (PJH) **STIPULATION FOR ENLARGEMENT OF TIME FOR DEFENDANTS TO RESPOND TO PLAINTIFFS' COMPLAINT**

Pursuant to Local Civil Rule 6-1, Defendants Wal-Mart Stores, Inc., Walmart.com USA LLC, and Netflix, Inc. ("Defendants") and Plaintiffs Andrea Resnick, Gary Bunker, John Haley, Amy Latham, Eric Roslansky and Kevin Simpson ("Plaintiffs"), hereby stipulate:

WHEREAS, on or about January 2, 2009, Plaintiffs filed the complaint in this action, which alleges violations of Sections 1 and 2 of the Sherman Act, 15 U.S.C. §§ 1 & 2;

WHEREAS, Plaintiffs styled the action as a putative class action;

WHEREAS, as of the date of this stipulation, several other plaintiffs have filed complaints in this District, including:

a. No. CV 09-0096 (MEJ), *Michael O'Connor, on behalf of himself and others similarly situated v. Walmart.Com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc.;* pending in the United States District Court for the Northern District of California;

b. No. CV 09-0111 (JCS), *Sarah Endzweig v. Walmart.Com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc.;* pending in the United States District Court for the Northern District of California;

c. No. CV 09-0116 (EMC), *Christopher P. Schmitz, on behalf of himself and all others similarly situated v. Walmart.Com USA LLC, Wal-Mart Stores, Inc., and NetFlix, Inc.;* pending in the United States District Court for the Northern District of California;

d. No. CV 09-00138 (BZ), *Scott Lynch, Sisto Abeyta, Allison Hancock, and Bryan Eastman, on Behalf of Themselves and Others Similarly Situated v. Walmart.Com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc.;* pending in the United States District Court for the Northern District of California;

e. No. CV 09-00139 (MEJ), *Jonathan Groce and Susan Horowitz on behalf of themselves and those similarly situated v. Netflix, Inc. Wal-Mart Stores, Inc. and Walmart.com USA LLC;* pending in the United States District Court for the Northern District of California

f. No. CV 09-00156 (JCS), *Liza Sivek, on behalf of herself and all others similarly situated v. Walmart.com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc;* pending in the United States District Court for the Northern District of California

g. No. CV 09-0180 (EDL), *Armond Faris, on behalf of himself and others similarly situated v. Netflix Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC;* pending in the United States District Court for the Northern District of California.

WHEREAS, each of these complaints alleges federal antitrust actions as against Defendants, and are styled as putative class actions;

WHEREAS, Defendants have not yet been served with all of the complaints on file in this district;

WHEREAS, in light of the multiple complaints on file, the potential for additional complaints in this and other various jurisdictions, and the complex nature of Plaintiffs' allegations, Plaintiffs and Defendants have agreed that Defendants' time to answer or otherwise respond to this complaint would be extended to 30 days after such time as a consolidated complaint is filed, without prejudice to any party's right to seek additional enlargements of time as necessary;

WHEREAS, this stipulation shall not be taken as a waiver of any defenses that Defendants may have to Plaintiffs' Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure or otherwise;

WHEREAS, Defendants have not previously sought or received any enlargements of time to answer or otherwise respond to Plaintiffs' Complaint.

NOW, THEREFORE, Plaintiffs and Defendants, by and through their respective attorneys of record, stipulate that Defendants shall have from 30 days of the service of a consolidated class action complaint to answer or otherwise respond.

Dated: January 22, 2009

Respectfully submitted,

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